

UA 319/06

Prisoner of conscience/ Fear of torture or ill-treatment

DEMOCRATIC REPUBLIC

Marie-Thérèse NLANDU MPOLO-NENE (f), lawyer and political leader

OF CONGO (DRC)

Bienvenu MAKUMBU (driver)

Richard KIANZA (m), journalist and press officer for Marie-Thérèse Nlandu

Pasteur José INONGA (m), church leader and political ally of Marie-Thérèse Nlandu

Gauthier LUSADISU (m) ]

Bona (m) ] Marie-Thérèse Nlandu's bodyguards

Gaillot or Gayo (m) ]

Marie-Thérèse Nlandu Mpolo-Nene, a lawyer at the DRC's Supreme Court of Justice and leader of the *Parti pour la Paix au Congo* (Congo-Pax) political party, was arrested in the capital, Kinshasa, on 21 November by agents of the *services spéciaux de la police*, Special Services police. She is currently detained at Kinshasa's central prison, the *Centre Penitenciaire et de Rééducation de Kinshasa* (CPRK). Amnesty International believes she is a prisoner of conscience, detained solely for pursuing her legitimate professional activities as a lawyer and for her peaceful political views. Six male associates of Marie-Thérèse Nlandu are also being held at the CPRK, and may have been tortured or ill-treated.

Marie-Thérèse Nlandu was engaged as a lawyer representing DRC Vice-President Jean-Pierre Bemba's appeal before the Supreme Court of Justice in Kinshasa against the results of the second round of presidential elections. Marie-Thérèse Nlandu had herself stood as a presidential candidate but after her elimination in the first round of voting, her political party switched its support to Jean-Pierre Bemba's candidacy. She was arrested when she went to the Kin-Mazière police station, the headquarters of the Special Services police, to visit and bring food to six of her associates and employees who had been arrested the previous day. She was held there overnight before being transferred to the CPRK, where her lawyer was able to visit her on 24 November. She is not believed to have been physically ill-treated.

She is reportedly charged with organizing an insurrectionary movement ("*mouvement insurrectionnel*") and illegal possession of firearms ("*détention illégale d'armes de guerre*"). The first charge may relate to an impromptu speech she made to supporters of Jean-Pierre Bemba outside the Supreme Court on 20 November, which was later broadcast on television, in which she reportedly called on the supporters to exercise their right to protest "in a disciplined way". Amnesty International, however, suspects that the true motive for her arrest was her legal professional and political associations with Jean-Pierre Bemba.

Amnesty International is also concerned for the well-being of the six above named men, associated with Marie-Thérèse Nlandu, who were arrested on 20 November and who are reportedly charged with illegal possession of firearms. The men had been following Marie-Thérèse Nlandu to her home after a visit to the Supreme Court, travelling in a second vehicle behind Marie-Thérèse Nlandu, when they were intercepted by police and taken to Kin-Mazière police station. On 21 November they were shown on television, pictured with grenades and other military effects which the police alleged had been discovered in their vehicle. Amnesty International understands that at least one man, Pasteur José Inonga, bears a wound to his chest which may have been inflicted under torture. Others bore marks of having been tightly bound around their elbows. Amnesty International is calling for the men, who were subsequently transferred to the CPRK prison, to be given immediate access to proper medical care and legal representation, and for the legality of their detention to be immediately reviewed by an independent civilian court.

Amnesty International fears that all those arrested will face trial by military court. Under Congolese law firearms offences, even when allegedly committed by civilians, fall under military judicial jurisdiction. Hearings by military courts in the DRC are routinely unfair and fail to respect minimum international standards of fair trial.

**BACKGROUND INFORMATION**

The two rounds of the DRC presidential elections (on 30 July and 29 October) have been attended

by acute tension and outbreaks of violence in Kinshasa, and by a sharp increase in politically-motivated human rights violations. The second-round results were announced on 15 November and gave Joseph Kabila (the outgoing president) 58 per cent of the vote, and his rival Jean-Pierre Bemba (outgoing vice-president) 42 per cent. Jean-Pierre and his political party alleged significant fraud and appealed to the Supreme Court of Justice to overturn the results. As the Supreme Court began to hear the complaint on 21 November, violence broke out outside the Court between Bemba supporters and police. Shots were then fired, allegedly by soldiers loyal to Bemba, and the police dispersed. The Supreme Court was then set on fire and partially destroyed by protestors before order was restored.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French, English or your own language:**

- calling for the immediate and unconditional release of Marie-Thérèse Nlandu, whom Amnesty International considers a prisoner of conscience;
- expressing concern that Bienvenu Makumbu, Richard Kianza, Pasteur José Inonga, Gauthier Lusadisu, Bona and Gayo, associates and employees of Marie-Thérèse Nlandu who were detained on 20 November, were allegedly tortured or ill-treated;
- calling for the six men to be given immediate access to appropriate medical care and legal representation;
- ask that, unless the men are to be charged promptly with a criminal offence for which there is enough admissible evidence, and tried before a properly constituted civilian court which respects international standards of fair trial and excludes the possibility of the death penalty, the men should be released.

**APPEALS TO:**

President

S.E. Joseph Kabila, Président de la République, Palais de la Nation, Kinshasa-Gombe, République Démocratique du Congo

**Fax: + 243 81 346 4116**

**Email : [presipp@yahoo.fr](mailto:presipp@yahoo.fr)**

**Salutation: Dear President**

Vice-President and Head of the Political, Defence and Security Commission

M. Azarias Ruberwa Manywa, Vice-Président de la République en Charge de la Commission Politique, Défense et Sécurité, Cabinet du Vice-Président de la République, Avenue roi Baudouin ex-3Z, Kinshasa/Gombe, République Démocratique du Congo

**E-mail : [vice\\_presidence.rdc@ic.cd](mailto:vice_presidence.rdc@ic.cd)**

**Salutation: Dear Vice-President**

Minister for Human Rights

Marie-Madeleine Kalala, Ministre des Droits humains, Ministère des Droits humains, 33/C Boulevard du 30 juin, Kinshasa-Gombe, République Démocratique du Congo,

**Email: [min\\_droitshumains@yahoo.fr](mailto:min_droitshumains@yahoo.fr)**

**Salutation: Dear Minister**

**COPIES TO:** diplomatic representatives of the Democratic Republic of Congo (DRC) accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 8 January 2006.

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